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EXAMINER

ELAHEE, MD S

ART UNIT PAPER NUMBER

2697

DATE MAILED: 03/28/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/001,941

Applicant(s)

JIJINA ET AL.

Examiner

Md S Elahee

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: \_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. Claims 9-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 9, line 14, the phrase “first module” lacks antecedent basis because it appears that the “first module” was not mentioned in the specification.

Regarding claim 9, line 16, 18, the phrase “second module” lacks antecedent basis because it appears that the “second module” was not mentioned in the specification.

Regarding claim 10-14, page 12, lines 2, 6, 12, 15, 21, 26; page 13, line 2, the phrase “second module” lacks antecedent basis because it appears that the “second module” was not mentioned in the specification.

Regarding claim 15, line 6, the phrase “first module” lacks antecedent basis because it appears that the “first module” was not mentioned in the specification.

Regarding claim 1, line 9, 12, 15, the phrase “second module” lacks antecedent basis because it appears that the “second module” was not mentioned in the specification.

Regarding claim 16, line 2, the phrase “first module” lacks antecedent basis because it appears that the “first module” was not mentioned in the specification.

Regarding claim 16, line 4, 8, 11, the phrase “second module” lacks antecedent basis because it appears that the “second module” was not mentioned in the specification.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4, 7-12 and 17-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Roberts et al. (U.S. Patent No. 6,208,854).

Regarding claims 1 and 17, Roberts teaches routing a call in response to an answering by the called party's wireless communication unit (abstract; fig.3-fig.5; col.1, lines 64-67, col.2, lines 1-14; 'routing a call' reads on the claim 'maintaining a call state of the voice call' and 'called party's wireless communication unit' reads on the claim 'first telematic device of one or more call forwarding rings indicative of the voice call').

Roberts further teaches routing a call to the called party's landline communication unit in response to unavailability of the called party's wireless communication (abstract; fig.3-fig.5; col.1, lines 64-67, col.2, lines 1-67, col.3, lines 1-67, col.4, lines 1-15; 'routing a call' reads on the claim 'forwarding the voice call', 'called party's landline communication unit' reads on the claim 'second telematic device' and 'unavailability of the called party's wireless communication' reads on the claim 'a failure of a user of the first telematic device to answer one or more fake rings indicative of the voice call').

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Regarding claim 2, Roberts teaches monitoring ring pattern provided by the called party's wireless communication unit in response to routed call (col.5, lines 6-20; 'ring pattern' reads on the claim 'ring back tones', 'called party's wireless communication unit' reads on the claim 'first telematic device' and 'routed call' reads on the claim 'answering the one or more call forwarding rings').

Roberts further teaches that the call is routed to the called party's landline communication unit in response to unavailability of the called party's wireless communication (abstract; fig.3-fig.5; col.1, lines 64-67, col.2, lines 1-67, col.3, lines 1-67, col.4, lines 1-15; 'call is routed' reads on the claim 'voice call is forwarded', 'called party's landline communication unit' reads on the claim 'second telematic device' and 'unavailability of the called party's wireless communication' reads on the claim 'a failure of a user of the first telematic device to answer one or more fake rings indicative of the voice call after a prescribed number of ring back tones').

Regarding claim 3, Roberts teaches inherently initiating a timer in response to routed call by the called party's communication unit (col.5, lines 6-20; 'routed call' reads on the claim 'answering the one or more call forwarding rings' and 'called party's communication unit' reads on the claim 'telematic device').

Roberts further teaches that the call is routed to the called party's landline communication unit if no response is received after an elapsed period of time (col.3, lines 58-67, col.4, lines 1-23; 'call is routed' reads on the claim 'voice call is forwarded', 'called party's landline communication unit' reads on the claim 'second telematic device' and 'if no response is

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received after an elapsed period of time' reads on the claim 'in response to the first telematic device dropping the voice call within a prescribed timer window').

Regarding claim 4, Roberts teaches play a message to the calling party, the message can alert the calling party that the call is being processed (col.5, lines 30-35; 'message to the calling party' reads on the claim 'providing an announcement to a caller of the voice call' and 'message can alert the calling party that the call is being processed' reads on the claim 'the announcement indicating the forwarding of the voice call to the first telematic device').

Regarding claims 7 and 18, Roberts teaches routing a call in response to an answering by the called party's wireless communication unit (abstract; fig.3-fig.5; col.1, lines 64-67, col.2, lines 1-14; 'routing a call' reads on the claim 'maintaining a call state of the voice call' and 'called party's wireless communication unit' reads on the claim 'first telematic device of one or more call forwarding rings indicative of the voice call').

Roberts further teaches monitoring ring pattern provided by the called party's wireless communication unit in response to routed call (col.5, lines 6-20; 'ring pattern' reads on the claim 'ring back tones', 'called party's wireless communication unit' reads on the claim 'first telematic device' and 'routed call' reads on the claim 'answering the one or more call forwarding rings').

Roberts further teaches routing a call to the called party's landline communication unit in response to unavailability of the called party's wireless communication (abstract; fig.3-fig.5; col.1, lines 64-67, col.2, lines 1-67, col.3, lines 1-67, col.4, lines 1-15; 'routing a call' reads on the claim 'forwarding the voice call', 'called party's landline communication unit' reads on the claim 'second telematic device' and 'unavailability of the called party's wireless

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communication' reads on the claim 'a failure of a user of the first telematic device to answer one or more fake rings indicative of the voice call after a prescribed number of ring back tones').

Regarding claims 8 and 19, Roberts teaches routing a call in response to an answering by the called party's wireless communication unit (abstract; fig.3-fig.5; col.1, lines 64-67, col.2, lines 1-14; 'routing a call' reads on the claim 'maintaining a call state of the voice call' and 'called party's wireless communication unit' reads on the claim 'first telematic device of one or more call forwarding rings indicative of the voice call').

Roberts teaches inherently initiating a timer in response to routed call by the called party's communication unit (col.5, lines 6-20; 'routed call' reads on the claim 'answering the one or more call forwarding rings' and 'called party's communication unit' reads on the claim 'telematic device').

Roberts further teaches routing a call to the called party's landline communication unit if no response is received after an elapsed period of time (col.3, lines 58-67, col.4, lines 1-23; 'routing a call' reads on the claim 'forwarding the voice call', 'called party's landline communication unit' reads on the claim 'second telematic device' and 'if no response is received after an elapsed period of time' reads on the claim 'in response to the first telematic device dropping the voice call within a prescribed timer window').

Regarding claim 9, Roberts teaches the third computer readable program code to route the call to the called party's wireless communication unit (fig.2, fig.3; col.1, lines 64-67, col.2, lines 1-47; 'the third computer readable program code to route the call' reads on the claim 'a first module operable to forward a voice call' and 'called party's wireless communication unit' reads on the claim 'first telematic device').

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Roberts teaches the second computer readable program code operable to route a call in response to an answering by the called party's wireless communication unit (fig.2, fig.3; col.1, lines 64-67, col.2, lines 1-47; 'second computer readable program code' reads on the claim 'second module', 'route a call' reads on the claim 'maintain a call state of the voice call' and 'called party's wireless communication unit' reads on the claim 'first telematic device of one or more call forwarding rings indicative of the voice call').

Roberts further teaches second computer readable program code further operable to route a call to the called party's landline communication unit in response to unavailability of the called party's wireless communication (fig.2, fig.3; col.1, lines 64-67, col.2, lines 1-47; 'second computer readable program code' reads on the claim 'second module', 'route a call' reads on the claim 'forward the voice call', 'called party's landline communication unit' reads on the claim 'second telematic device' and 'unavailability of the called party's wireless communication' reads on the claim 'a failure of a user of the first telematic device to answer one or more fake rings indicative of the voice call').

Regarding claim 10, Roberts teaches that second computer readable program code is further operable to monitor ring pattern provided by the called party's wireless communication unit in response to routed call (fig.2, fig.3; col.1, lines 64-67, col.2, lines 1-47, col.5, lines 6-20; 'second computer readable program code' reads on the claim 'second module', 'ring pattern' reads on the claim 'ring back tones', 'called party's wireless communication unit' reads on the claim 'first telematic device' and 'routed call' reads on the claim 'answering the one or more call forwarding rings').



Roberts further teaches that second computer readable program code routes the call to the called party's landline communication unit in response to unavailability of the called party's wireless communication (abstract; fig.2-fig.5; col.1, lines 64-67, col.2, lines 1-67, col.3, lines 1-67, col.4, lines 1-15; 'second computer readable program code' reads on the claim 'second module', 'routes the call' reads on the claim 'forwards the voice call', 'called party's landline communication unit' reads on the claim 'second telematic device' and 'unavailability of the called party's wireless communication' reads on the claim 'a failure of a user of the first telematic device to answer one or more fake rings indicative of the voice call after a prescribed number of ring back tones').

Regarding claim 11, Roberts teaches that second computer readable program code is further operable to inherently initiate a timer in response to routed call by the called party's communication unit (fig.2, fig.3; col.1, lines 64-67, col.2, lines 1-47, col.5, lines 6-20; 'second computer readable program code' reads on the claim 'second module', 'routed call' reads on the claim 'answering the one or more call forwarding rings' and 'called party's communication unit' reads on the claim 'telematic device').

Roberts further teaches that second computer readable program code routes the call to the called party's landline communication unit if no response is received after an elapsed period of time (fig.2, fig.3; col.1, lines 64-67, col.2, lines 1-47, col.3, lines 58-67, col.4, lines 1-23; 'second computer readable program code' reads on the claim 'second module', 'routes the call' reads on the claim 'forwards the voice call', 'called party's landline communication unit' reads on the claim 'second telematic device' and 'if no response is received after an elapsed period of

time' reads on the claim 'in response to the first telematic device dropping the voice call within a prescribed timer window').

Regarding claim 12, Roberts teaches that second computer readable program code is further operable to play a message to the calling party, the message can alert the calling party that the call is being processed (fig.2, fig.3; col.1, lines 64-67, col.2, lines 1-47, col.5, lines 30-35; 'second computer readable program code' reads on the claim 'second module', 'message to the calling party' reads on the claim 'providing an announcement to a caller of the voice call' and 'message can alert the calling party that the call is being processed' reads on the claim 'the announcement indicating the forwarding of the voice call to the first telematic device').

Regarding claim 15, Roberts teaches the third computer readable program code to route the call to the called party's wireless communication unit (fig.2, fig.3; col.1, lines 64-67, col.2, lines 1-47; 'the third computer readable program code to route the call' reads on the claim 'a first module operable to forward a voice call' and 'called party's wireless communication unit' reads on the claim 'first telematic device').

Roberts teaches the second computer readable program code operable to route a call in response to an answering by the called party's wireless communication unit (fig.2, fig.3; col.1, lines 64-67, col.2, lines 1-47; 'second computer readable program code' reads on the claim 'second module', 'route a call' reads on the claim 'maintain a call state of the voice call' and 'called party's wireless communication unit' reads on the claim 'first telematic device of one or more call forwarding rings indicative of the voice call').

Roberts teaches that second computer readable program code is further operable to monitor ring pattern provided by the called party's wireless communication unit in response to

routed call (fig.2, fig.3; col.1, lines 64-67, col.2, lines 1-47, col.5, lines 6-20; 'second computer readable program code' reads on the claim 'second module', 'ring pattern' reads on the claim 'ring back tones', 'called party's wireless communication unit' reads on the claim 'first telematic device' and 'routed call' reads on the claim 'answering the one or more call forwarding rings').

Roberts further teaches that second computer readable program code routes the call to the called party's landline communication unit in response to unavailability of the called party's wireless communication (abstract; fig.2-fig.5; col.1, lines 64-67, col.2, lines 1-67, col.3, lines 1-67, col.4, lines 1-15; 'second computer readable program code' reads on the claim 'second module', 'routes the call' reads on the claim 'forwards the voice call', 'called party's landline communication unit' reads on the claim 'second telematic device' and 'unavailability of the called party's wireless communication' reads on the claim 'a failure of a user of the first telematic device to answer one or more fake rings indicative of the voice call after a prescribed number of ring back tones').

Regarding claim 16, Roberts teaches the third computer readable program code to route the call to the called party's wireless communication unit (fig.2, fig.3; col.1, lines 64-67, col.2, lines 1-47; 'the third computer readable program code to route the call' reads on the claim 'a first module operable to forward a voice call' and 'called party's wireless communication unit' reads on the claim 'first telematic device').

Roberts teaches the second computer readable program code operable to route a call in response to an answering by the called party's wireless communication unit (fig.2, fig.3; col.1, lines 64-67, col.2, lines 1-47; 'second computer readable program code' reads on the claim 'second module', 'route a call' reads on the claim 'maintain a call state of the voice call' and

'called party's wireless communication unit' reads on the claim 'first telematic device of one or more call forwarding rings indicative of the voice call').

Roberts teaches that second computer readable program code is further operable to inherently initiate a timer in response to routed call by the called party's communication unit (fig.2, fig.3; col.1, lines 64-67, col.2, lines 1-47, col.5, lines 6-20; 'second computer readable program code' reads on the claim 'second module', 'routed call' reads on the claim 'answering the one or more call forwarding rings' and 'called party's communication unit' reads on the claim 'telematic device').

Roberts further teaches that second computer readable program code routes the call to the called party's landline communication unit if no response is received after an elapsed period of time (fig.2, fig.3; col.1, lines 64-67, col.2, lines 1-47, col.3, lines 58-67, col.4, lines 1-23; 'second computer readable program code' reads on the claim 'second module', 'routes the call' reads on the claim 'forwards the voice call', 'called party's landline communication unit' reads on the claim 'second telematic device' and 'if no response is received after an elapsed period of time' reads on the claim 'in response to the first telematic device dropping the voice call within a prescribed timer window').

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts et al. (U.S. Patent No. 6,208,854) and in view of Fuller et al. (U.S. Patent No. 5,375,161).

Regarding claim 5, Roberts fails to teach “playing music for a caller of the voice call while maintaining the call state of the voice call”. Fuller teaches playing music on-hold for a caller of the call while processing the call (col.38, lines 52-68, col.39, lines 1-68, col.40, lines 1-68, col.41, lines 1-8; ‘music on-hold’ reads on the claim ‘music’ and ‘call while processing the call’ reads on the claim ‘voice call while maintaining the call state of the voice call’). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Roberts to allow playing music for a caller as taught by Fuller. The motivation for the modification is to have the playing music for a caller in order to give the comfort to the calling party.

Regarding claim 13, Roberts teaches the second computer readable program code (fig.2, fig.3; col.1, lines 64-67, col.2, lines 1-47; ‘second computer readable program code’ reads on the claim ‘second module’). However, Roberts fails to teach “playing music for a caller of the voice call while maintaining the call state of the voice call”. Fuller teaches playing music on-hold for a caller of the call while processing the call (col.38, lines 52-68, col.39, lines 1-68, col.40, lines 1-68, col.41, lines 1-8; ‘music on-hold’ reads on the claim ‘music’ and ‘call while processing the call’ reads on the claim ‘voice call while maintaining the call state of the voice call’). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Roberts to allow playing music for a caller as taught by Fuller. The motivation for the modification is to have the playing music for a caller in order to give the comfort to the calling party.

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6. Claims 6 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts et al. (U.S. Patent No. 6,292,783) and in view of Goldman et al. (U.S. Patent No. 6,493,442).

Regarding claim 6, Roberts fails to teach “running an advertisement for a caller of the voice call while maintaining the call state of the voice call”. Goldman teaches running an advertisement for a caller of the call while processing the call (col.4, lines 28-49; ‘call while processing the call’ reads on the claim ‘voice call while maintaining the call state of the voice call’). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Roberts to allow running an advertisement for a caller as taught by Goldman. The motivation for the modification is to have the advertisement in order to provide certain information.

Regarding claim 14, Roberts teaches the second computer readable program code (fig.2, fig.3; col.1, lines 64-67, col.2, lines 1-47; ‘second computer readable program code’ reads on the claim ‘second module’). However, Roberts fails to teach “running an advertisement for a caller of the voice call while maintaining the call state of the voice call”. Goldman teaches running an advertisement for a caller of the call while processing the call (col.4, lines 28-49; ‘call while processing the call’ reads on the claim ‘voice call while maintaining the call state of the voice call’). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Roberts to allow running an advertisement for a caller as taught by Goldman. The motivation for the modification is to have the advertisement in order to provide certain information.

*Conclusion*

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alam Elahee whose telephone number is (703) 305-4822. The examiner can normally be reached on Mon to Fri from 9:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on (703)305-4717. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.

M. E.

MD SHAFIUL ALAM ELAHEE  
March 20, 2003

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